

# Exhibit 1

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EDWARD BENNETT WILLIAMS (1920-1988)

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June 2, 2021

Via Email

Susan Schneider Thomas  
Berger Montague PC  
1818 Market Street,  
Suite 3600  
Philadelphia, PA 19013

Re: **U.S. ex rel. Behnke v. Caremark et al., Civ. A. No. 2:14-cv-00824 (MSG)**  
Production AETNABENKE011

Dear Susan:

We write on behalf of Aetna in connection with your Rule 45 Subpoena for Production of Documents, dated August 31, 2018, in the above-captioned matter. We have sent you today via secure FTP transfer a production made on behalf of Aetna, Inc., in connection with the above-captioned matter. The documents being produced bear bates numbers AetnaBehnke-0095441 through AetnaBehnke-0197524.

The documents being produced today were generated as part of Aetna's attorney-directed investigation into the issues raised by Relator beginning in 2012 and continuing through 2015 concerning Caremark's MAC prices for Aetna's Medicare Part D Plans and GER guarantees with pharmacies. Aetna is waiving its attorney-client privilege with regard to such documents to allow for a complete and accurate record regarding the facts Ms. Behnke has put at issue regarding the concerns she raised internally at Aetna and the reaction of Aetna and its employees to those concerns. Today's production includes documents from the files of the ten agreed Aetna custodians that fall within the scope of this waiver. In addition, Aetna has collected email files of four additional Aetna employees: Christine Clements, Charles H. Klippel, Ed Neugebauer, and Stephen P. Fisher. Because these four employees (all in-house Aetna attorneys) had significant roles in the investigation of Relator's concerns, Aetna has conducted a reasonable search for and is producing documents from their files that fall within the scope of this waiver.

Pursuant to this waiver, today's production also includes a reproduction of certain documents previously redacted or withheld in prior productions. Please replace the documents referenced on the attached spreadsheet with the reproduced documents in today's production.

WILLIAMS & CONNOLLY LLP

June 2, 2021  
Page 2

Except as to the specific subject matter regarding which Aetna has explicitly waived privilege in the preceding paragraph, Aetna does not waive, but rather explicitly preserves, any and all applicable privileges or other legal bases to deny production. Today's production is made subject to and without waiving Aetna's Objections and Responses to Relator's Rule 45 Subpoena and the parties' subsequent meet and confer calls and correspondence. Documents designated as "Confidential" and "Confidential PHI" are governed by the terms set forth in the Stipulated Protective Order (May 13, 2019), regarding Confidential Material.

The password necessary to decrypt the production will be sent to you via email.

Sincerely,

/s Daniel M. Dockery  
Daniel M. Dockery

cc: Natalie Finkelman  
Heidi Wendel  
Joy P. Clairmont  
James E. Miller  
Holly M. Conley